IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: John J. Roese et al.
Serial No.:   10/629,331
Filed: July 29, 2003
For: SYSTEM AND METHOD FOR DYNAMIC NETWORK POLICY
                MANAGEMENT
Assignee: Enterasys Networks, Inc.
Examiner: Alina A. Boutah
Art Unit: 2143   Confirmation No. 6575

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement mailed July 30, 2007, Applicants respectfully request that the restriction be withdrawn for the following reasons.

First, an election cannot be made because the restriction requirement fails to identify a plurality of grouping of claims from which an election can be made. In accordance with 37 CFR § 1.142, a restriction requirement is called for when two or more independent and distinct inventions are claimed in a single application. In the present matter, the pending claims of the application are all directed to a single invention, as evidenced by the statement in the restriction that newly added Claims 41-58 are directed to an invention. There are no other claims pending in the application. Therefore, there are not two or more independent and distinct inventions claimed in the application. For this reason, the restriction should be withdrawn. Moreover, the Applicants have been given no opportunity to elect a claim grouping as none was provided in the restriction requirement. The restriction is improper for that reason as well.

Second, the presently pending claims contain all of the limitations set out in the original claims and, therefore, can be classified in the same classification as the original claims. Specifically, original independent Claim 1 described the invention as follows:

1.   A method of controlling the usage by an attached function of network services associated with a network system that includes the attached function, one or more other attached functions and network infrastructure, the method comprising the steps of:

    a.   obtaining information associated with the network system;

    b.   setting one or more static policies for network services usage by the attached function;

    c.   setting one or more dynamic policies for network services usage by the attached function;

    d.   monitoring the network system for triggers; and

    e.   modifying the static policies, the dynamic policies, or both for the attached function based upon the monitored triggers.

Presently pending independent Claim 41 describes the invention as follows:

41.   A method of controlling the usage by an attached function of network services associated with a network system that includes the attached function, one or more other attached functions and one or more network infrastructure devices, the method comprising the steps of:

    a.   acquiring information about an attached function seeking access to the network services;

    b.   associating a level of trust with the information about the attached function;

    c.   granting to the attached function preliminary entry to the network system based upon the information acquired;

    d.   determining whether a stored policy history exists for the attached function;

    e.   if the stored policy history exists for the attached function, establishing for the attached function one or more static and dynamic policies for network services usage based upon the stored policy history;

    f.   if no stored policy history exists for the attached function, establishing for the attached function one or more static and dynamic policies for network services usage;

    g.   monitoring the network system for triggers; and

    h.   modifying for the attached function one or more of the static and dynamic policies upon the detection of one or more triggers.

It can be seen that limitation 1a corresponds to limitation 41a; limitations 1b and 1c correspond to either of limitations 41e and 41f; limitation 1d corresponds to limitation 41g; and limitation 1e corresponds to limitation 41h. In view of the fact that the invention as described by the presently

pending claims is the same as the invention described in the original claims, albeit with further limitations, the restriction should be withdrawn.

Finally, in the August 2, 2007, telephone interview with the examiner, the examiner acknowledged that the restriction may have been improperly established and indicated that the restriction would be withdrawn. The August 16, 2007, interview summary alludes to the examiner's agreement that the restriction was traversed, but the statement to that effect in the summary is not completely clear. Nevertheless, assuming that that was the intent in the summary, Applicants respectfully suggest that the restriction should be withdrawn and believe that it has been withdrawn. However, in the event that that was not the examiner's intent, Applicants respectfully suggest that the restriction has been traversed.

The Applicants respectfully suggest that the restriction requirement set out in the July 30, 2007, office action has been successfully traversed. No election has been made in this response as there were no claim groupings to elect from. For the reasons indicated herein, it is requested that the restriction be withdrawn and presently pending Claims 41-58 proceed to substantive examination.

Respectfully submitted,

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Certificate of Transmission

I hereby certify that this correspondence is being transmitted to the Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on August 20, 2007, using the EFS-Web service of the US Patent Office. It is hereby requested that this filing be granted a filing date of August 20, 2007.

Chris A. Caseiro